**IN THE HIGH COURT OF BOMBAY AT GOA**

**CRIMINAL MISCELLANEOUS APPLICATION NO. 148 OF 2005**

Smt. Madhavi Jadhav,
Vasco, Goa. ... Applicants

versus

State(through Public Prosecutor). ... Respondents

Mr. Shivan Dessai, Advocate for the Applicant.

Mr. S. N. Sardessai, Public Prosecutor for the State/Respondent.

**CORAM : V. M. KANADE, J.**

**DATE : 3RD AUGUST,2005.**

**P.C.:-**

The Applicant had filed a Revision Application in this Court which was dismissed by Judgment and Order dated 7th July, 2005 and the Judgment and Order passed by the Assistant Sessions Judge, South Goa, Margao, vide Judgment dated 27th November, 2003 in Sessions Case No. 3 of 2002 was confirmed. It is contended by the Applicant in the present application that certain facts were not brought to the notice of this Court on the point of sentence before the Judgment was pronounced in the

Criminal Revision Application. It is stated that it was not pointed out that the Applicant is 67 years of age and that she is suffering from serious health problems and she was hospitalised in Mesquita Hospital, Vasco in April/May, 2005. It is, therefore, submitted that the benefit of Probation of Offenders Act may be given to the Applicant.

I am afraid it is not possible to accede to the submission made by the learned Counsel appearing on behalf of the Applicant as it would amount to modifying or reviewing the Order dated 7th July, 2005 passed by this Court. Section 262 of the Code of Criminal Procedure specifically imposes a bar on this Court to review its own Order. Unfortunately, this application is made after the Order was pronounced and signed by this Court. Therefore, it is not possible to entertain the said application.

Criminal Miscellaneous Application, therefore, is rejected on the ground that it is not maintainable as per the provisions of Section 262 of the Code of Criminal Procedure.

V. M. KANADE, J.

RD.

RD.